

AARON D. FORD
Attorney General
Michael Bongard (Bar. No. 7997)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
1539 Avenue F, Suite 2
Ely, NV 89301
(775) 289-1632 (phone)
(775) 289-1653 (fax)
mbongard@ag.nv.gov
Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WOODROW JUNE MARSHALL,

Petitioner,

vs.

JEREMY BEAN, *et al.*,

Respondents.

Case No. 2:23-cv-01394-APG-DJA

**MOTION FOR AN EXTENSION OF TIME
TO FILE RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS (ECF NO. 9)
(FIRST REQUEST)**

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a thirty-one (31) day enlargement of time, up to and including, Monday, March 25, 2024, in which to submit the response to Petitioner Woodrow Marshall's Petition for Writ of Habeas Corpus. ECF No. 9. The response is currently due February 23, 2024.

This is Respondents' first request for an extension of time in which to file the responses and made in good faith and not for purposes of delay.

DATED this 20th day of February, 2024.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

1
2 1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the
3 State of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents'
4 Motion for Enlargement of Time to file the response and index of exhibits to the amended petition filed
5 in the above-captioned case. By this motion, I am requesting an enlargement of time of thirty-one (31)
6 day enlargement of time, up to and including, Monday, March 25, 2024, to file and serve the response.
7 The response is currently due February 23, 2024.

8 2. Since Counsel entered his appearance in this matter on December 14, 2024, Counsel has
9 filed (or will file) pleadings in the following cases: 1.) on December 28, 2023, the reply to opposition to
10 motion to dismiss in *Glover v. Reubart*, et al., USDC case number 3:22-cv-00207-LRH-CSD; 2.) on
11 December 27, 2023, the motion to dismiss state habeas petition in *Harris v. Gittere*, Seventh Judicial
12 District Court case number HC-2306005 (White Pine County); 3.) on January 5, 2024, the answering
13 brief in *Flores v. Gittere*, et al., Ninth Circuit case number 23-16-47; 4.) January 10, 2024, the surreply
14 in *Stewart v. Najera*, et al., USDC case number 2:21-cv-01490-APG-BNW; 5.) on January 11, 2024, the
15 reply to opposition to motion to dismiss in *Zogheib v. Williams*, et al., USDC case number 2:22-cv-
16 01213-GMN-MDC; 6.) on January 26, 2024, the answer in *Barao v. State of Nevada*, et al., USDC case
17 number 2:22-cv-1954-JAD-NJK; 7.) on February 2, 2024, the supplemental letter brief in *Bejarano v.*
18 *Gitter*, et al., Ninth Circuit case number 11-99000 (death penalty case); 8.) on February 5, 2024, the
19 opposition to motion for evidentiary hearing in *Cardenas v. Neven*, et al., USDC case number 3:15-cv-
20 00476-MMD-CLB; 9.) February 5, 2024, the answer to the supplemental state habeas petition in *Wilson*
21 *v. Russell*, et al., Eleventh Judicial District case number 21CV-WR1-2021-0052 (Mineral County); 10.)
22 on February 8, 2024, the opposition to motion to strike in *Moore v. Howell*, et al., USDC case number
23 2:21-cv-01639-APG-MDC; and 11.) on February 21, 2024, Counsel will file the answering brief in
24 *Carter v. State*, Nevada Supreme Court case number 85520.

25 3. On December 22, 2023, Counsel appeared in Hawthorne, Nevada, for the evidentiary
26 hearing in *Wilson v. Russell*, et al., Eleventh Judicial District case number 21CV-WR1-2021-0052
27 (Mineral County); and on January 23, 2024, Counsel presented oral argument in *Bejarano v. Gittere*, et
28 al., Ninth Circuit case number 11-99000 (death penalty case). Counsel also appeared in the Seventh

Judicial District Court (White Pine County) and the Ely Justice Court for hearings related to Counsel's criminal and small claims cases and filed miscellaneous pleadings in those cases.

4. Counsel is currently working on various pleadings in federal court, including two answering briefs in the Ninth Circuit, a surreply in a death penalty case, as well as the response in this case and other cases in this Court.


5. The additional time is necessary in order to review the state court record, which should be ready in three weeks.

For the reasons stated herein, Counsel respectfully requests the Court grant the motion for enlargement of time to Monday, March 25, 2024, to file the response to the petition in this matter.

DATED this 20th day of February, 2024.

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: February 20, 2024